

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FIRST MERIT BANK, N.A.,	:	Case No. 1:02 CV 16020
	:	
	:	MDL DOCKET No. 02-16000
	:	
Plaintiff,	:	JUDGE KATHLEEN O'MALLEY
	:	
v.	:	
	:	<u>ORDER</u>
SAFECO INSURANCE COMPANY OF,	:	
AMERICA	:	
	:	
Defendant.	:	

This matter arises on Plaintiff FirstMerit Bank, N.A.'s ("FirstMerit") and CadleRock Joint Venture, L.P.'s ("CadleRock") *Plaintiff's Motion to Substitute Party Plaintiff* (Doc. 28), in which FirstMerit requests an order substituting CadleRock as the Plaintiff in this action. This motion is made pursuant to Federal Rule of Civil Procedure 25(c) and arises as a result of FirstMerit's assignment of its interest in the subject matter of this action to CadleRock.

Defendant Safeco Insurance Company of America's ("Safeco") response to the motion requests that, if the motion is granted, it be given the opportunity to conduct limited discovery relating to the facts and circumstances of the alleged assignment of FirstMerit's interest to CadleRock. Both parties' requests

are well taken.

Plaintiff's Motion to Substitute Party Plaintiff (Doc. 28) is, therefore, conditionally **GRANTED**. Because Safeco has a right to question the validity of the alleged assignment, Safeco is hereby granted leave to conduct limited discovery relating to the facts and circumstances of the alleged assignment. Such discovery shall be completed by September 30, 2005. If it deems it necessary, Safeco shall have until October 30, 2005 to move this Court for an order revoking this Order's substitution of CadleRock for FirstMerit. In the absence of a timely motion by Safeco, this Order shall become an unconditional substitution of CadleRock as Plaintiff in this action.

Accordingly, the Clerk is hereby **ORDERED** to substitute CadleRock Joint Venture, L.P. as the Plaintiff in this action.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: July 19, 2005